

Notice of Continuation: August 5, 2003

Authorizing, and Implemented or Interpreted Law: ~~19-2-101~~  
19-2-104(1)(a)

## Environmental Quality, Air Quality R307-341

### Davis and Salt Lake Counties and Ozone Nonattainment Areas: Cutback Asphalt

#### NOTICE OF PROPOSED RULE

(Amendment)

DAR File No.: 29010

FILED: 09/07/2006, 16:07

#### RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to clarify the rule by deleting obsolete language, adding language to align the rule with the new ozone maintenance plan, and making other minor grammatical corrections. This amendment is part of revisions to rules related to the ozone maintenance plan (see separate filings on Sections R307-101-2 and R307-110-13; and Rules R307-320, R307-325, R307-326, R307-327, R307-328, R307-332, R307-335, R307-340, R307-342, and R307-343 in this issue.) (DAR NOTE: The other filings are under: Sections R307-101-2 (DAR No. 29000) and R307-110-13 (DAR No. 29001); and Rules R307-320 (DAR No. 29002); R307-325 (DAR No. 29003); R307-326 (DAR No. 29006); R307-327 (DAR No. 29004); R307-328 (DAR No. 29005); R307-332 (DAR No. 29007); R307-335 (DAR No. 29008); R307-340 (DAR No. 29009); R307-342 (DAR No. 29011); and R307-343 (DAR No. 29012) in this issue.)

SUMMARY OF THE RULE OR CHANGE: References to Salt Lake and Davis Counties were replaced by the term "ozone maintenance area". Other grammatical corrections were made throughout Rule R307-341 to improve the readability of the rule. Obsolete language was deleted throughout Rule R307-341. In addition, the definition for the term "asphalt" has been moved from Section R307-101-2 to Rule R307-341. This definition comes from the Control Technique Guidance (CTG) titled, Control of Volatile Organic Compounds from use of Cutback Asphalt, EPA-450/2-077-037, December 1977, and was added to the general definitions when this Reasonably Available Control Technology (RACT) rule was adopted in the early 1980s. The term "asphalt" is used in several other rules; however, in those rules the common usage of the term "asphalt" is more appropriate than the specific language in this definition. This amendment is part of revisions to rules related to the ozone maintenance plan (see DAR NOTE above).

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 19-2-104(1)(a)

#### ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: Because these revisions do not create any new requirements, no change in costs is expected to the state budget.

❖ LOCAL GOVERNMENTS: Because these revisions do not create any new requirements, no change in costs is expected for local governments.

❖ OTHER PERSONS: Because these revisions do not create any new requirements, no change in costs is expected for other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Because these revisions do not create any new requirements, no change in costs is expected for affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Because these revisions do not create new requirements, no change to costs is expected for businesses. Dianne R. Nielson, Executive Director

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

ENVIRONMENTAL QUALITY

AIR QUALITY

150 N 1950 W

SALT LAKE CITY UT 84116-3085, or

at the Division of Administrative Rules.

#### DIRECT QUESTIONS REGARDING THIS RULE TO:

Mat E. Carlile or Jan Miller at the above address, by phone at 801-536-4136 or 801-536-4042, by FAX at 801-536-0085 or 801-536-0085, or by Internet E-mail at MCARLILE@utah.gov or janmiller@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 10/31/2006

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 10/17/2006 at 2:00 PM, DEQ Building, 168 N 1950 W, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 12/07/2006

AUTHORIZED BY: M. Cheryl Heying, Planning Branch Manager

#### R307. Environmental Quality, Air Quality.

R307-341. ~~[Davis and Salt Lake Counties and]~~ Ozone Nonattainment and Maintenance Areas: Cutback Asphalt.

##### R307-341-1. Purpose.

This rule establishes reasonably achievable control technology (RACT) requirements for the use or application of cutback asphalt in ozone nonattainment and maintenance areas.

##### R307-341-2. Applicability.

R307-341 applies to any person who uses or applies asphalt in any ozone nonattainment or maintenance area.

**R307-341-[1]3. Definitions.**

~~[(1) R307-325 establishes applicability and general requirements for R307-341.~~

~~(2) The following additional definitions apply to R307-341:~~

~~"Asphalt or Asphalt Cement" means the dark brown to black cementitious material, either solid, semisolid or liquid in consistency, of which the main constituents are bitumens that occur naturally or as a residue of petroleum refining.~~

~~"Asphalt Concrete" means a waterproof and durable paving material composed of dried aggregate [which] that is evenly coated with hot asphalt cement.~~

~~"Cutback Asphalt" means any asphalt [which] that has been liquified by blending with petroleum solvents (dilutents) or, in the case of some slow cure asphalts (road oils), which have been produced directly from the distillation of petroleum.~~

~~"Emulsified Asphalt" means asphalt emulsions produced by combining asphalt with water that contains an emulsifying agent.~~

~~"Patch Mix" means a mixture of an asphalt binder and aggregate in which cutback or emulsified asphalts are used either as sprayed liquid or as a binder.~~

~~"Penetrating Prime Coat" means an application of low-viscosity liquid asphalt to an absorbent surface in order to prepare it for paving with asphaltic concrete.~~

**R307-341-[2]4. Limitations on ~~Content~~ Use of Cutback Asphalt.**

~~[After December 31, 1982, a] No person shall cause, allow, or permit the use or application of cutback asphalt, or [an] emulsified asphalt containing more than 7 percent oil distillate, as determined by ASTM distillation test D-244, except as provided below:~~

~~(1) Where the use or application commences on or after October 1 of any year and such use or application is completed by April 30 of the following year;~~

~~(2) Where long-life (longer than 1 month) stockpile storage of patch mix is demonstrated to the executive secretary to be necessary;~~

~~(3) Where the asphalt is to be used solely as a penetrating prime coat;~~

~~(4) Where the user can demonstrate that there are no emissions of volatile organic compounds from the asphalt under conditions of normal use;~~

~~(5) Where the use or application is for the paving of parking lots smaller than 300 parking stalls.~~

**R307-341-[3]5. Recordkeeping.**

~~[A record shall be kept for] Any person subject to R307-341 shall keep records for at least two years of the types and amounts of cutback[,] or emulsified asphalt used, [and] the amounts of solvents added, and the location where the asphalt is applied. The records shall be made available to the executive secretary upon request.~~

**R307-341-6. Compliance Schedule.**

~~All sources within any newly designated nonattainment area for ozone shall be in compliance with this rule within 180 days of the effective date of designation to nonattainment.~~

**KEY:** air pollution, emission controls, asphalt, solvent[\*]

**Date of Enactment or Last Substantive Amendment:** ~~[September 15, 1998]~~ 2006

Notice of Continuation: August 5, 2003

Authorizing, and Implemented or Interpreted Law: ~~[19-2-101; 19-2-104(1)(a)]~~

## Environmental Quality, Air Quality R307-342

### Davis, Salt Lake, Utah, and Weber Counties and Ozone Nonattainment Areas: Qualification of Contractors and Test Procedures for Vapor Recovery Systems for Gasoline Delivery Tanks

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO. 29011

FILED: 09/07/2006, 16:07

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to clarify the rule by deleting obsolete language, clarifying distinction between Rules R307-342 and R307-328, adding language to align the rule with the new ozone maintenance plan, and making other minor grammatical corrections. This amendment is part of revisions to rules related to the ozone maintenance plan (see separate filings on Sections R307-101-2 and R307-110-13; and Rules R307-320, R307-325, R307-326, R307-327, R307-328, R307-332, R307-335, R307-340, R307-341, and R307-343 in this issue.) (DAR NOTE: The other filings are under: Sections R307-101-2 (DAR No. 29000) and R307-110-13 (DAR No. 29001); and Rules R307-320 (DAR No. 29002); R307-325 (DAR No. 29003); R307-326 (DAR No. 29006); R307-327 (DAR No. 29004); R307-328 (DAR No. 29005); R307-332 (DAR No. 29007); R307-335 (DAR No. 29008); R307-340 (DAR No. 29009); R307-341 (DAR No. 29010); and R307-343 (DAR No. 29012) in this issue.)

SUMMARY OF THE RULE OR CHANGE: Rules R307-342 and R307-328 work together to establish the Stage I Vapor Recovery requirements. In general, the provisions in Rule R307-328 apply to the refinery or bulk storage plant where gasoline is loaded into a truck for delivery, the transport vehicle, and the gas station where the gasoline is unloaded into the underground storage tank. Rule R307-342 establishes the requirements for the vapor tightness testing contractor. However, there are some provisions that do not follow this general split. Both rules have been revised to make this division clearer, so that each entity will find all of the applicable requirements in one rule, rather than split between two rules. In addition, references to Salt Lake and Davis Counties were replaced by the term "ozone maintenance